

1894-037 Chancery Causes: W. C. Ely vs. John T. Hall
Lee Co.

CA-Debt
T-Property

To the Hon. H. S. K. Morison, judge of the Circuit of Lee County: -

Humbly complaining your orator, W. C. Ely, sheweth unto your Honor that on the 7 day of December 1891 he obtained before a justice of the peace in and for the said county of Lee, a judgment against John M. Hall of the said county, for ^{the sum} \$34.68, with interest thereto at the rate of 6 per cent. per annum from the 7 day of December 1891 until paid, and \$1.25 costs; on which said judgment a writ of execution was duly issued by the said justice of the said county, directed to a constable of said county, returnable in 60 days, which was placed in the hands of the said constable and was on the return day thereof, returned by the said constable with the following return, to wit:

" NO PROPERTY FOUND OUT-OF WHICH I COULD MAKE THE WITHIN DEBT"

This judgement has together with an affidavit thereon been returned & docketed in the justices' judgement book docket in said county so that the same constitutes

Now, your orator further states that the said John M. Hall is seized and possessed in fee simple of a tract lot or parcel of land lying and being in the said county, containing one acre more or less, bounded by the lands of E. B. Spencer, deceased, on the North and West, and those of Jefferson Neff on the East, and of Rebecca Russell on the South, and that he is advised that his judgment *judgement* *is said judgement have with filed as part hereof marked "A"* (no part of which has been paid) is alien under the statute law of Virginia on the said real estate, that the rents and profits of the said real estate will not satisfy the judgment in five years.

In tender consideration thereof, for as much as your orator is remediless in the premises, save by the aid of a court of equity where matters of this kind are alone and properly cognizable your orator prays that the said John M. Hall be made a party defendant to this bill and required, ~~but not~~ upon oath, to answer the same according to the best of his knowledge and belief as fully and particularly as if the statements of this bill were again here repeated and the said defendant thereto specially interrogated; that the said real estate or so much thereof as may be necessary be sold to satisfy your orators judgment, and that your Honor will

grant unto your orator such other and further relief as may be
consistent with equity and the case requires.

May it please,^a&c., your orator will ever pray, &c.

Blountenship Erving.

P. Q.

C#1.70

2 B5E

C#1.78

W. C. Elv

vs.

John M. Hall.

Bill in Equity.

1892 1st Aug Rules

Bill filed 3pa

Exd + D. Chis

" 2nd Aug Rules Contd

" 1st 2 Sept " "

" 1 Octo Rules " "

" 2nd " " D. W. Coups

Cause set for hearing
by Plaintiff

1893 March Decree Contd

" June " "

" Nov " "

1894 March " "

" June Decree final

OB 4 Page 18

3.10

76
40
30
146

H.C 9.60

M.C 65

S 50

C# 15.00

Cost at Law 15.40

C# 5.00

\$46.15

Estimate 5.00

51.15

3.10

C# 54.25

Mid. Comp 10.00

\$64.25

Virginia, Lee County. To Wit

TO *A. L. Roman*

CONSTABLE OF SAID COUNTY.

I HEREBY COMMAND YOU TO SUMMON *J. M. Hall* ~~admirator~~ *Hall* if to be found in your District to appear at *Fonesville* in said County, on the *7* day of *Dec* 1891 before me or such other Justice of said County as may then be there to try this Warrant; to answer the complaint of *W. G. Ely* and upon a claim for money not exceeding \$100.00 exclusive of interest to wit: for the sum of *\$34.00* And then and there make return of this Warrant. Given under my hand, the *7* day of *Dec* 1891. *C. E. Blankenship* J. P.

W. G. Ely plaintiff

On the *7* day of *Dec* 1891

AGAINST

J. M. Hall Defendant

In Debt, *J. M. Hall*

At *C. E. Blankenship* in said County.

JUDGMENT. That the plaintiff recover of defendant, \$*34.00* with interest thereon from the *7* day of *Dec* 1891 till paid; and \$.... for costs.

C. E. Blankenship J. P.

VIRGINIA, LEE COUNTY-TO WIT

TO *A. L. Roman*

Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of *J. M. Hall* in your county you cause to be made the sum of \$*34.00* with interest from the *7* day of 1891 till paid; which *W. G. Ely* has recovered before me in a warrant in debt and also the sum of \$*1.00* which were judged to the said *W. G. Ely* for costs in prosecuting said warrant. Given under my hand the *7* day of *Dec* 1891. *C. E. Blankenship* J. P.

J. H. Hobbs, Printer, R. R. H. Va.

Subject of Credit \$1.00

W. C. Gley
W. J. J.

J. M. Hall

Greenfield this
the 2 day of
Dec 1891
A. L. Bowman
C. L. L.

Docketed. Mich
12th 1892

J. R. Gibson
C.

"A"

No property found out
of which I could make the
within debt. This Feb'y 5; 1892

A. L. Bowman

W.C.Ely

vs.

J.M.Hall.

} In Chancery.

This cause came on again this day to be heard upon the papers to formerly read in this case, and the report of commissioner E.W.R. Ewing reporting the execution of a deed to Mary J. Munsey, the purchaser of the tract or lot of land formerly sold by the said commissioner pursuant to decree, which deed is filed with the said report, and there being no exceptions to the said report, and the said deed having been seen and inspected by the court and found correct, and was argued by counsel: in consideration whereof it is ordered, adjudged and decreed that the said report, together with the deed therewith filed, be confirmed, and the Clerk is directed to deliver the said deed to said Mary J. Munsey for the purposes of recordation whenever she shall request. And it is further ordered, adjudged and decreed that the said Mary J. Munsey pay the said commissioner Ewing the further sum of five (\$5.00) dollars, for which execution may issue upon the direction of the said commissioner. And ~~the~~ ^{nothing more to be done} cause is stricken from the docket.

W. C. Ely

v. { Deceased

G. M. Hall

Eaton Chy. Ord. Book 4 P. 18

Eaton this

Attest

June 12th, 1894.

W.C.Elv

vs.

In Chancery.

J.M.Hall.

This cause came on again this day to be heard upon the papers formerly read in this case, and the commissioner's report of the sale of the property in the bill and proceedings, ^{mentioned} and was argued by counsel, which report having been filed for a sufficient length of time, and no exceptions being taken to the same, it is in all respects ratified and confirmed, and it appearing to the court that Mary J. Munsey, the purchaser of the lot or parcel of land in the bill and proceedings mentioned, has fully paid the sum she agreed to pay for said lot, and that the same has by the commissioner been properly disbursed, it is ordered, adjudged, and decreed that E.W.R. Ewing, who is hereby appointed a special commissioner for the purpose, execute to the said Mary J. Munsey a deed of conveyance to the said lot or parcel of land in the bill and proceedings mentioned; and this cause is continued.

W. C. Ely } de Chas.
vs. }
J. M. Hall

Deed confirming
sale of land.

C. C. R. Page 559
Mch 9 1894

Enter this.

H. S. K. M.

March 9 1894

W. B. Ely } Jan Ch. J.
as.

J. M. Hall

This cause came on again this day to be heard upon the papers formerly read in the Cause & the Commission's report, which having been filed for a sufficient length of time & no exceptions being taken to the same it is in all report, & was argued by Counsel upon consideration it is adjudged, ordered & decreed that the Plaintiff recover of the Deft. the sum of \$34.68 & \$1.25 costs & that M. E. Lane for the benefit of J. M. Hall the sum of \$250 & \$15.40 costs at law & that the same is a lien upon the real estate mentioned in the bill & proceedings & if the same be not paid ^{in 30 days} from the adjournment of this Court, then E. W. B. Erving ^{who} is hereby appointed a special Commissioner for the purpose will after advertising the time place & terms for 20 days or more by posting written or printed notices one at the front of the Court House door of this County & one at some public place in the neighborhood where the land is to

ated proceed to sell the same
at public outcry in front
of the Court House door on
some Court day upon
a credit of 6 & 12 months
except a sum sufficient
to pay the costs of this suit
& commissions of sale which
he will require paid in hand
& for the deferred payments
he will require bond
payable to himself with
good personal security
bearing interest from date
of sale. Before executing this
decre he will execute bond
in the penalty of \$600⁰⁰ con-
ditioned according to law & re-
port his proceedings to this
Court & the cause is con-
tinued.

W. C. Ely

no. 3 Decree

J. M. Hall

Entered on O.R.

Page 491.

June 9, 1893

J. A. G. Hunt

Enter this decree

H. S. M.

June 9, 1898.

W.C.Ely

vs.

In chancery.

John M.Hall.

This cause came on this day to be heard on the bill of the complainant and exhibits filed therewith and it appearing to the court that process has been served on the defendant for more than fifteen ~~day~~ days before the first day of this court, and the said defendant failing to appear, on motion of the plaintiff by his counsel the said bill is taken for confessed, and it is thereupon adjudged, ordered, and decreed that E.W.R.Ewing who is hereby appointed a special commissioner for the purpose, after advertising the place of his sitting by written or printed ~~posted~~ notices, posted at such places as he may deem proper, for 20 ~~da~~ days, will ascertain the liens of all kinds against the real estate of said Hall, their priorities, if any, where and to whom due, and he will further ascertain to what real estate said defendant is intitled, and its annual rental value, and he will report his action to this court. And the cause is continued.

W. L. Ely
vs.
Jno. W. Hall. } Decees.

Entered in Clip
O. B. p 459 March
11/9 3.
J. A. G. Hyatt
clerk

Entered this; 11th
day of March, 1893

14 L K M

W.C.Ely

vs.

J.M.Hall.

To the Honorable H.S.K.Morrison, Judge of the circuit court of Lee county:

The undersigned who was appointed a special commissioner for the purpose, in the above styled cause, by decree rendered therein at the last March term of your Honor's court for the purpose of ascertaining what real estate was owned by the defendant, the said John M. Hall, what liens if any existed on said real estate and their several priorities; and to whom due, would respectfully report that after giving notice of the time and place of his sitting, as required by said decree he on the 20th day of April at his office in Jonesville proceeded to perform the duties required of him by said decree, and he begs to here submit the result of his inquiries:

The only real estate, so far as your commissioner can ascertain, to which the defendant is entitled is a tract or parcel of land situated in the county of Lee, containing about one acre, being near and bounded by the lands of E.B. Spencer, deceased, on the north west, those of Jefferson Neff on east, those of Rebecca Russell on south, the rental value of the same per annum being not exceeding \$3.00. Your commissioner further ascertained that on the 7th day of December, 1891, W.C. Ely obtained before C.C. Blankenship a Justice of the county of Lee, a judgment for \$34.68 with interest thereon from said date until paid, which with interest to the 1st day of June 1893, amounts to the sum of \$37.90, which said judgment was ^{docketed} properly ~~recorded~~ in the justice's lien book in County Court Clerk's office; and this judgment the said commissioner begs to report is unpaid and is the oldest lien against the said Hall. Your commissioner also ascertained that on the 15th day of March, 1893 in the Circuit Court of Lee county, M.E. Lane for S.P. Hall obtained a judgement against the said J.M. Hall for the sum of ~~\$250.00~~ ^{\$270.82} with interest from the 9th day of Feb. 1892 until paid, which together with said interest up to the 1st day of June 1893, amounts to the sum of ~~\$270.82~~ ^{\$286.22} of \$15.40 which together with the costs in obtaining said judgment amounts to ~~\$286.22~~ ^{\$286.22}, and that said judgment has been properly docketed and consti-

tutes a second lien against the real estate of the said J.M.Hall. A copy of the last mentioned judgment is herewith filed as part of this report, marked "A".

No further evidence of any other lien against the real estate of the said J.M.Hall being brought to the notice of the said commissioner, and an examination of the records failing to reveal any, y our commissioner begs to submit this his report.

E. W. R. Ewing,

Special commissioner.
1

Addenda:

Your commissioner begs to further report that in the investigation of the rental value of this land he took the depositions of persons acquainted with the same, and in so doing and in the examination which he found it necessary to make of the record he was engaged about twenty-four hours, for which he reports that his fees are \$15.00. All of which is respectfully submitted.

E. W. R. Ewing,

Comm. Rept.

W. L. Ely } In Charge
J. M. Hall. }
any.

Filed May 23
1895 J. M. Hall

Comm Fee 15¢

W.C.Ely

vs.

J.M.Hall.

To the Honorable H.S.K. Morison, Judge of Circ. Co. Lee county:

The undersigned, a special Commissioner, appointed for the purpose at the June term of your Honor's court, proceeded according to the terms of the decree entered in this cause at the said term of this court to sell the land or lot in the bill and proceedings mentioned, after having advertised it 30 days according to said decree, (a copy of which advertisement is herewith filed marked "A") to offer the same for sale to the highest bidder on the terms prescribed in the said decree, at the front door of the court house in Lee county. Your commissioner reports that at such sale Mary J. Munsey became the purchaser, she being the highest and best bidder, for the sum of \$62.00, which was paid in hand, this being hardly enough to pay the costs. Your commissioner ^{paid} this sum to the proper officers, as will appear by their receipts here, with filed, see "B" "C" "D", etc.

Your commissioner begs therefore to state that the said Mary J. Munsey is entitled to a deed of conveyance, and recommends that ~~that~~ a special commissioner be appointed to make her a deed to the same.

And we beg to submit this our report.

E. W. R. Ewing,

Special Commissioner.

none of public place or private place

2 -
Comm. report
of sale.
W. C. Ely } In Chy.
vs. }
J. M. Hall

Filed January the 16th 1894
A B Munsey clk

To Hon.W.T.Miller, Judge of the Circ it court of Lee county:

The undersigned, special commissioner in the case of W.C. Elv vs. J.M.Hall, appointed by the said circuit court of said county to make a deed to Mary J.Munsey pursuant to sale and confirmation thereof at the March term of the said court, 1894, begs to report that he made the said deed to Mary J.Munsey, the whole of the purchase money having been fully paid, and conveyed the lot or tract of land described in the bill and proceedings according to the terms of the said decree, which deed is heretofore filed, and the court is asked to inspect the same, and if found correct, your commissioner recommends that it be confirmed and that decree go down requiring that said Mary J.Munsey to pay to the said commissioner the sum of \$5.00 for the execution thereof. Respectfully submitted.

E. W. R. Livingston

Special Commissioner.

W. C. Ely

v. { Rept. & acc. of Deed.

G. M. Hace.

Filed June the 12th 1894
A. B. Munsey
Clerk

M. E. Lueford
3 Copy of
203 Trust
J. M. Hall
March 15 1893

A².

1893 Recd my fee
25 cts Aug 26th
G. R. Gilson

Fee for copy 20p

KNOW ALL MEN BY THESE PRESENTS, That we

E.W.R. Ewing and

G.M. Blaukusch

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

214 hundred dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated *5th* day

of *July*, one thousand eight hundred and *ninety three*.

The Condition of The Above Obligation is Such, That if the above bound

E.W.R. Ewing his office or trust, as *commissioner*

under a decree of the Circuit Court of the County of Lee, pronounced on the *9th*

day of *June*, 18 *93*, in the suit therein depending

under the name and style of *W.C. Ealy* Plaintiff

vs. *J.M. Hare* Defendant

and properly account for all sums of money *which he* may receive as such *commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

E.W.R. Ewing (SEAL.)

G.M. Blaukusch (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day

suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit Court of the County of Lee, that estate after the payment of all just debts, and those for which bound as securit for others, and expect to have to pay worth the sum of

dollars.

Given under my hand this day of

18

Teste:

Clerk.

W. B. Ely
vs { Court's Bond,
J. M. Hall

Filed July 5th 1893

A B Munsey C

The Commonwaaith of Virginia.

TO THE SHERIFF OF LEE COUNTY GREETING:

We Command You to Summon

John M. Hall

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

August next, being rule day to answer a bill in Chancery exhibited in our said Court against

him by *W. L. Ely*

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *11th*

day of *July* 18*92*, in the 11*7* year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

W. L. Ely

3 3/4
res 3/4
Sparrow
Cherry

John W. Hall

So 1st Aug Rules 1892

Exhibited by DeLoraine
in a letter dated 10
the within notice
to J. W. Hall this
May 10, 1892.

J. H. Weston D.S. for
W. L. Ely
S. L. Co